

### **REMARKS**

Claims 32-46 are pending in the application with claims 5-31 canceled herein, claims 1-4 previously canceled, and new claims 32-46 added herein. Applicants request consideration of the new claims in view of the art references listed in the Supplement Information Disclosure Statement and in view of the Declaration of Prior Invention under 37 CFR § 1.131 included herewith. Applicants note that the term "tantalum disc" set forth in the preamble of claims 32-46 is supported by the present specification at least at page 5, line 6.

The cited Cabot Performance Materials March 25, 1998 report provides testing data of a tantalum plate as indicated by the material description showing dimensions of 0.250" x 12.00" diameter. The tantalum plate has a purity of 99.98% tantalum and exhibits an ASTM grain size number of 6.7, corresponding to an approximate average grain size of 35 microns. However, the Cabot report does not provide any disclosure or suggestion of a {100} crystallographic orientation. Applicants further assert that a {100} crystallographic orientation would not be inherent in a product such as the tantalum plate disclosed by Cabot. Cabot further does not provide any disclosure or suggestion of a maximum grain size of less than 50 microns.


The Declaration of Prior Invention included herewith is provided merely to expedite allowance of the claims in the event that the Office finds any of the claims might be rejected over Cabot. Applicants do not admit that any such grounds for rejection exist. The Declaration establishes that the inventors actually reduced to practice a disc

comprising at least about 99.95 weight percent tantalum and an average grain size of less than 50 microns prior to the March 25, 1998 effective date of the Cabot report.

In accordance with the deficiencies of the cited references, considered alone or in combination, and the assertions of the inventors' Declaration, Applicants assert that currently pending claims 32-46 are in condition for allowance. Applicants request allowance of all pending claims in the next Office Action.

Respectfully submitted,

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By:   
James E. Lake  
Reg. No. 44,854

Application Serial No. .... 10/014,310  
Filing Date ..... December 11, 2001  
Inventor ..... Ritesh Shah et al  
Assignee ..... Honeywell International Inc.  
Group Art Unit ..... 1753  
Examiner ..... S. VerSteeg  
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Title: Methods of Forming Metal Articles

**VERSION WITH MARKINGS TO SHOW CHANGES MADE ACCOMPANYING  
RESPONSE TO Supplemental Preliminary Amendment OFFICE ACTION**

**In the Specification**

The replacement specification paragraphs incorporate the following amendments. Underlines indicate insertions and ~~strikeouts~~ indicate deletions.

The paragraph of the Related Patent Data has been amended as follows:

This patent resulted from a continuation ~~divisional~~ application of U.S. Patent Application Serial No. 09/098,760, which was filed on June 17, 1998.

**-END OF DOCUMENT-**